



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,755	11/26/2003	Keith B. Stobie	13768.459	9956
47973 7590 05/01/2007 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			EXAMINER WEI, ZHENG	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/723,755

Applicant(s)

STOBIE ET AL.

Examiner

Zheng Wei

Art Unit

2192

All participants (applicant, applicant's representative, PTO personnel):

(1) Tuan Q. Dam.(3) Hens C. Jenkins.(2) Zheng Wei.

(4) _____

Date of Interview: 18 April 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: 1 and 17.


Identification of prior art discussed: Johnson et al. and Ruffolo et al.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: (1) Briefly discussed the application from high level. (2) Discussed the proposed draft amendment of claims 1 and 17. (3) Further clarified the feature of identifying running isolated test from test group and determining which of the isolated test caused the adverse or unexpected result in claim 1 and generating pure stress test without recorded output in claim 17. Examiner is waiting for an official reply.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


TUAN DAM
SUPERVISORY PATENT EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

DYNAMICALLY TUNABLE SOFTWARE TEST
Serial No. 10/723,755 Attorney Docket No. 13768.459
Examiner Zheng Wei
Interview April 18, 2007 @ 2:00PM

1. (Currently Amended) In a computer system that includes software under test, a method of verifying the software with one or more tunable test cases that are capable of being set to any of a plurality of verification levels, the method comprising acts of:

reading in one or more test cases that include a plurality of software testing instructions organized as a plurality of verification levels within a verification hierarchy, wherein at least two verification levels within the verification hierarchy define different amounts of checking to perform for determining if the software functions as intended when executed;

reading in verification settings that define one or more desired verification levels within the verification hierarchy;

identifying a test group comprising a plurality of test cases including at least one of the one or more test cases having portion of the plurality of software testing instructions within the one or more test cases that corresponds to the one or more desired verification levels; and

running a test on the software with all of the plurality of test cases within the test group by running the software testing instructions portion of the one or more test cases that corresponds corresponding to the one or more desired verification levels of each of the test cases in the test group;

upon detecting an adverse or unexpected result from running the test, isolating the plurality of test cases within the test group and running each of the isolated test cases individually; and

upon running each of the isolated test cases individually, determining which of the isolated test cases caused the adverse or unexpected result.

[Support is found in at least paragraph 30]

17. (Currently Amended) In a computer system that includes software under test, a method of verifying the software with one or more tunable test cases that are capable of being set to any of a plurality of verification levels, the method comprising steps for:

loading one or more test cases that include a plurality of software testing instructions organized as a plurality of verification levels within a verification hierarchy, wherein at least two verification levels within the verification hierarchy define different amounts of testing to perform for determining if the software functions as intended when executed;

receiving verification setting instructions for one or more desired verification levels from within the verification hierarchy for use in testing the software, wherein the received verification setting instructions select the one or more desired verification levels from a group of verification levels that include at least first and second verification levels, wherein selection of the first verification level causes the one or more test cases to be run during testing without producing any recorded output, and wherein selection of the second verification level causes the one or more test cases to be run during testing with recorded output; and

testing the software at the one or more desired verification levels, which include at least one of the first and second verification levels, by running the one or more test cases that include the plurality of software testing instructions that correspond to the one or more desired verification levels.

With specific regard to this claim, see Office Action rejection #13, addressing claims 15 and 39, on page 6. See also, paragraphs [0006], [0007], [0009] and [0025] of the Application as originally filed. Applicant submits that APA does not disclose performing a stress test without producing recorded output, as suggested in the Office Action, and as is claimed. Support for the claimed embodiment is found in at least paragraph [0025]. To the contrary, APA suggests the opposite by indicating that the "output produced or recorded" is ignored. (see [0009], paragraphs [0006]-[0009] also provide context).

21. (Currently Amended) In a computer system that includes software under test, a computer program product comprising one or more computer readable storage media carrying storing computer executable instructions that, when executed, implement the method recited in claim 1.

~~a method of verifying the software with one or more tunable test cases that are capable of being set to any of a plurality of verification levels, the method comprising acts of:~~

~~reading in one or more test cases that includes a plurality of software testing instructions organized as a plurality of verification levels within a verification hierarchy, wherein at least two verification levels within the verification hierarchy define different amounts of testing to perform for determining if the software functions as intended when executed;~~

~~reading in verification settings that define a desired verification level within the verification hierarchy;~~

~~identifying a portion of the plurality of software testing instructions within the one or more test cases that corresponds to the desired verification level; and~~

~~running the portion of the one or more test cases that corresponds to the desired verification level.~~

25. (Currently Amended) In a computer system that includes software under test, a computer program product comprising one or more computer readable storage media carrying storing computer executable instructions that, when executed, implement the method recited in claim 21.

~~a method of verifying the software with one or more tunable test cases that are capable of being set to any of a plurality of verification levels, the method comprising steps for:~~

~~loading one or more test cases that include a plurality of software testing instructions organized as a plurality of verification levels within a verification hierarchy, wherein at least two verification levels within the verification hierarchy define different amounts of checking to perform for determining if the software functions as intended when executed;~~

~~receiving verification setting instructions for one or more desired verification levels from within the verification hierarchy for use in testing the software; and~~

~~testing the software at the one or more desired verification levels by running the one or more test cases that include the plurality of software testing instructions that correspond to the one or more desired verification levels.~~

41. (New) A method as recited in claim 17, wherein the method further includes an act of automatically detecting a development stage that the software is being tested in during the test and for gathering information for at least additional testing or debugging based upon the detected development stage. (See paragraphs [0010], [0028]).

WORKMAN NYDEGGER
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE (801) 533-9800
FAX (801) 328-1707

TELECOPIER COVER SHEET

April 12, 2007

Total Number of Pages
(including cover letter): 2 pages

Please deliver the transmitted facsimile pages to:

Examiner Zheng Wei
United States Patent & Trademark Office

Business Phone (571) 270-1059

Telecopier Phone: (571) 270-2059

From: Angela Young for JENS C. JENKINS

Comments: Please see the attached interview issues to be discussed
April 18, 2007 at 1:00PM

Serial No. 10/723,755

Docket No. 13768.459

We are transmitting from a Sharp FO-750 or Sharp FO-6100 facsimile machine. If you do not receive all the pages or they are unreadable, please contact me as soon as possible at (801) 533-9800.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

AJFY0000000637V001

Applicant Initiated Interview Request Form

Application No.: 10/723,755 First Named Applicant: Keith B. Stobie
 Examiner: Zheng Wei Art Unit: 2192 Status of Application: 1st Office Action (Non-Final)

Tentative Participants:

(1) Jens C. Jenkins (2) _____
 (3) _____ (4) _____

Proposed Date of Interview: April 18, 2007 Proposed Time: 1:00PM

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Rej. _____	<u>1</u>	<u>Johnson 2004/0073890 A1</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rej. _____	<u>17</u>	<u>Johnson 2004/0073890 A1</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) Rej. _____	<u>21</u>	<u>Ruffolo 2003/0196190 A1</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) Rej. _____	<u>25</u>	<u>Ruffolo 2003/0196190 A1</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ We will discuss independent claims, scope of the invention, distinctions between the claims and the cited art, as well as proposed amendments that are still being worked on.

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

(1) Attorney to present brief summary of invention (2) Attorney to discuss rejected claims and cited art, including the independent claims (3) Attorney to present proposed amended claims and discuss how proposed amended claims overcome rejections and distinguish from art of record. A copy of the proposed amended claims will be made available to the Examiner at the Interview (4) Attorney to discuss any formal matters.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.


 (Applicant/Applicant's Representative Signature)

 (Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.